



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS SOUGHT ON 855 TOLL FREE CODE OPENING ALLOCATION

CC Docket No. 95-155

Comments Due: September 3, 2010
Reply Comments Due: September 10, 2010

On June 25, 2010, the Wireline Competition Bureau (Bureau) issued a letter authorizing Database Service Management, Inc. (DSMI), the SMS/800 database administrator, to open the 855 toll free code.¹ In that letter, the Bureau found that it was in the public interest to open the 855 toll free code on October 2, 2010, due to the projected exhaust of available toll free numbers.² This recent action alleviates concern regarding a shortage of toll free numbers. Nevertheless, with this access for the first time to essentially all the toll free numbers within the 855 Numbering Plan Area (NPA)³, and specifically toll free vanity numbers within the 855 code, the Federal Communications Commission (Commission) seeks comment on whether any allocation scheme or rationing of new 855 toll free numbers is needed. If so, the Commission requests that interested parties propose with specificity the most equitable approach to ensuring that these toll free numbers are distributed fairly and comment on how long any such approach should be mandated.

Although the purpose of this request for comment is to ensure that all parties have equal access

¹ See Letter from Sharon Gillett, Chief, Wireline Competition Bureau, FCC, to Michael Wade, President, Database Service Management, Inc., Docket No. 95-155, DA 10-1117 (rel. June 25, 2010) (Wireline Competition Bureau June 25, 2010 Letter); see also Letter from Sharon Gillett, Chief, Wireline Competition Bureau, FCC, to Michael Wade, President, Database Service Management, Inc., Docket No. 95-155, DA 10-1440 (rel. Aug. 24, 2010) (granting a request by the SMS/800 Number Administration Committee to delay the 855 code opening by 24 hours, to Saturday, October 2, 2010 to lessen the impact on regular customer activities that take place during the normal business week).

² See Wireline Competition Bureau June 25 2010 Letter at 1 (noting that projections reported the supply of currently available toll free numbers was expected to last only until November 21, 2010).

³ See 47 C.F.R. § 52.109 (a) & (b) (describing the existing permanent cap on number reservations wherein a “Responsible Organization may have in reserve status, at any one time, either 2000 toll free numbers or 7.5 percent of that Responsible Organization’s numbers in working status, whichever is greater,” and a “Responsible Organization shall never reserve more than 3 percent of the quantity of toll free numbers in spare status as the previous Sunday at 12:01 a.m. Eastern Time..”) Any allocation or rationing of 855 toll free numbers would be in addition to these rules.

to the new 855 toll free numbers available on October 2, 2010, we take this opportunity to reiterate that Commission rules strictly prohibit warehousing, hoarding, and brokering of toll free numbers.⁴ In addition, Commission rules provide that a toll free number may only be reserved at the request of a legitimate end user customer and may not be reserved with the intent of selling said number for a fee.⁵

The Commission does not intend to delay the October 2nd 855 toll free code opening; therefore, we are establishing an abbreviated comment cycle. Interested parties may file comments on the public notice on or before **September 3, 2010** and reply comments on or before **September 10, 2010**. Filings in this proceeding should be captioned “855 Toll Free Allocation” and filed in **CC Docket No. 95-155**.

Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies.⁶ Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of the proceeding, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking numbers. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). Parties are strongly encouraged to file comments electronically using the Commission’s ECFS. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

- Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m.

⁴ See 47 C.F.R § 52.105(a) (defining warehousing as the “practice whereby Responsible Organizations, either directly or indirectly through an affiliate, reserve toll free numbers from the Service Management System database without having an actual toll free subscriber for whom those numbers are being reserved.”); see also 47 C.F.R § 52.107(a) (“hoarding is the acquisition by a toll free subscriber from a Responsible Organization of more toll free numbers than the toll free subscriber intends to use for the provision of toll free service. The definition of hoarding also includes number brokering, which is the selling of a toll free number by a private entity for a fee.”).

⁵ See generally 47 C.F.R. §§ 52.101-52.111 for compliance with the Commission’s toll free rules.

⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in CC Docket No. 95-155 will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. S.W., Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the *ex parte* rules.⁷ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.⁸ Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the rules.⁹

For further information, contact Michelle Sclater, Competition Policy Division, Wireline Competition Bureau, at (202) 418-0388.

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⁷ 47 C.F.R. § 1.1200 *et seq.*

⁸ *See* 47 C.F.R. § 1.1206(b)(2).

⁹ 47 C.F.R. § 1.1206(b).